

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RONALD PRUDEN,

Plaintiff,

v.

PENNSYLVANIA STATE
PRISON SYSTEM, *et al.*,

Defendants.

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CIVIL NO. 1:CV-07-1692

(Judge Caputo)

MEMORANDUM

I. Introduction

Plaintiff, Ronald Pruden, an inmate at the State Correctional Institution (“SCI”) in Graterford, Pennsylvania, commenced this *pro se* action by filing a civil rights complaint pursuant to the provisions of 42 U.S.C. § 1983. Plaintiff names the entire Pennsylvania State Prison System as Defendant, but specifies that his allegations are against the prisons in which he has been incarcerated, including SCI-Camp Hill; SCI-Cresson; SCI-Houtzdale; SCI-Graterford; SCI-Huntingdon; and SCI-Smithfield. (Doc. 1 at 2). Plaintiff alleges that unspecified Defendants: (1) intentionally inflicted pain on him; (2) placed him in restricted housing units for four years as retaliation; and (3) failed to understand his medical condition and reason for Plaintiff’s disability, which led to eight years of “assault.” (*Id.*). Plaintiff requests that the Court direct “them” to stop assaulting him. (*Id.* at 3).

In an Order dated September 25, 2007 (Doc. 6), this Court determined that Plaintiff’s complaint failed to comply with the requirements of Federal Rules of Civil Procedure 8 and 10. He was directed to file an amended complaint within twenty (20) days from the date of the Order. The Memorandum and Order forewarned Plaintiff that failure to

timely file an amended complaint that complies with the Federal Rules of Civil Procedure would result in closure of the case. Although the time to file the amended complaint has expired, Plaintiff has neither complied with the Court's September 25, 2007 Order nor requested an enlargement of time in which to do so. Accordingly, Plaintiff's complaint will be dismissed for failure to prosecute and failure to comply with a Court Order.

II. Discussion

Plaintiff is proceeding *pro se*, and such parties are accorded substantial deference in federal court. *Haines v. Kerner*, 404 U.S. 519 (1972); *Hughes v. Rowe*, 449 U.S. 5 (1980). They are not, however, free to ignore the Federal Rules of Civil Procedure or Orders issued by this Court. As noted previously, Plaintiff was directed to file an amended complaint which complies with the Federal Rules of Civil Procedure. He was informed that the amended complaint should set forth his claims in short, concise and plain statements, and in numbered paragraphs. Further, he was informed that the complaint should identify each Defendant by name and specify which actions are alleged as to which Defendants, with specificity as to time. Finally, he was informed that the complaint should set forth a specification of the relief sought. Ultimately, Plaintiff was forewarned that if he failed to timely file an amended complaint in accordance with the Court's memorandum, this case would be dismissed. (Doc. 6). Plaintiff has not done so.

It is well-settled that this Court has the authority to dismiss an action where a plaintiff fails to comply with its orders or with the Federal Rules of Civil Procedure. See *Flaksa v. Little River Marine Const. Co.*, 389 F.2d 885, 887 (5th Cir. 1968). Therefore, since Plaintiff has failed to comply with this Court's September 25, 2007 Order, and he has

failed to file an amended complaint complying with the Federal Rules of Civil Procedure, the case will be closed. An appropriate Order follows.

Dated: October 22, 2007

/s/A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge

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(Judge Caputo)

ORDER

AND NOW, THIS 22nd DAY OF OCTOBER, 2007, for the reasons set forth in the foregoing Memorandum, **IT IS HEREBY ORDERED THAT** the Clerk of Court shall **CLOSE** this case.

/s/A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge